



# THE ERIE COUNTY LEGISLATURE

Session No. 8

April 27, 2017

John J. Mills  
*Chair*

Joseph C. Lorigo  
*Majority Leader*

Thomas A. Loughran  
*Minority Leader*

Karen M. McCarthy  
*Clerk of the Legislature*

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## ROLL CALL

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INVOCATION – Mr. Burke

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PLEDGE OF ALLEGIANCE – Mr. Rath

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## TABLED ITEMS

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## ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

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## MINUTES OF PREVIOUS MEETING

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## PUBLIC HEARING

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## MISCELLANEOUS RESOLUTIONS:

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BURKE

[Recognizing International Workers Day in Erie County](#)

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HARDWICK

[Honoring Brian Joseph Fose as the Erie County Legislature's Citizen of the Month for April 2017 for his Dedication and Service to the City of Tonawanda and Erie County](#)

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HARDWICK

[Congratulating James Newton Upon his Retirement as Superintendent of the City of Tonawanda School District and his Devotion to the Community](#)

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LOUGHRAN & RATH

[Honoring Joan Weichmann for a Lifetime of Community Service](#)

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LOUGHRAN & RATH

[Honoring the Getzville Ladies Auxiliary on the Occasion of their 95th Anniversary](#)

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MILLER-WILLIAMS

[Honoring and Awarding Ms. Agnes Bain at the Mary B. Talbert Civic & Cultural Club's Awards Banquet for 2017](#)

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MILLER-WILLIAMS

[Honoring the Accomplishments of Cosmetologist Merline Bell and her 56 Years of Operating Promises Beauty Salon](#)

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MILLER-WILLIAMS

[Honoring Cindy D. Clarke for her 40 Years of Service in the Buffalo Public Schools](#)

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MILLER-WILLIAMS

[Honoring and Awarding Ms. Mary Craig at the Mary B. Talbert Civic & Cultural Club's Awards Banquet for 2017](#)

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MILLER-WILLIAMS

[Honoring and Awarding Ms. Sandra Gilliam at the Mary B. Talbert Civic & Cultural Club's Awards Banquet for 2017](#)

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MILLER-WILLIAMS

[Honoring and Awarding Ms. Anisha Hassan at the Mary B. Talbert Civic & Cultural Club's Awards Banquet for 2017](#)

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MILLER-WILLIAMS

[Memorial Resolution In Remembrance of Mary Lois Johnson-Stokes](#)

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| MILLER-WILLIAMS  | <a href="#"><u>Honoring and Awarding Mr. Mitchell McLeod at the Mary B. Talbert Civic &amp; Cultural Club's Awards Banquet for 2017</u></a>  |
| MILLER-WILLIAMS  | <a href="#"><u>Honoring and Awarding Ms. Bessie Patterson at the Mary B. Talbert Civic &amp; Cultural Club's Awards Banquet for 2017</u></a>   |
| MILLER-WILLIAMS  | <a href="#"><u>Honoring and Awarding Ms. Ella Robinson at the Mary B. Talbert Civic &amp; Cultural Club's Awards Banquet for 2017</u></a>  |
| MILLER-WILLIAMS  | <a href="#"><u>Honoring and Awarding Mr. George Scott at the Mary B. Talbert Civic &amp; Cultural Club's Awards Banquet for 2017</u></a>   |
| MILLER-WILLIAMS  | <a href="#"><u>Celebrating the 100th Anniversary of the Colored Musicians Club of Buffalo NY</u></a>   |
| MILLER-WILLIAMS  | <a href="#"><u>Honoring Young Audiences of Western New York for Supporting the People, Programs and Policies that are Committed to Higher Standards of Learning as the Right Choice for children, and Proclaiming April 16-22, 2017 as the "Week for Young Audiences in Erie County"</u></a> |
| MILLS, LORIGO, LOUGHRAN, DIXON, HARDWICK, MORTON, RATH, BURKE, GRANT, MILLER-WILLIAMS & SAVAGE | <a href="#"><u>Memorial Resolution in Remembrance of the Honorable John T. Curtin</u></a>  |
| MILLS, LORIGO, LOUGHRAN, DIXON, HARDWICK, MORTON, RATH, BURKE, GRANT, MILLER-WILLIAMS & SAVAGE | <a href="#"><u>Honoring American Bikers Aimed Toward Education (ABATE) and Celebrating the 27th Annual ABATE of Buffalo Erie Awareness Run, and Encourage Drivers to be Observant for Motorcyclists and Fellow Drivers</u></a>   |
| MILLS, LORIGO, LOUGHRAN, DIXON, HARDWICK, MORTON, RATH, BURKE, GRANT, MILLER-WILLIAMS & SAVAGE | <a href="#"><u>Honoring RecruitNY and Thanking Volunteer Firefighters and First Responders in Erie County, and Encourage Residents to Visit Their Local Fire Company During Open Houses Being Held April 29-30, 2017</u></a>   |
| MILLS  | <a href="#"><u>Honoring Ann Martindale as Recipient of the Gowanda Area Chamber of Commerce 2017 Spirit of Gowanda Service Award</u></a>   |
| MILLS  | <a href="#"><u>Honoring Jack VanWey as the Recipient of the 2017 Spirit of Gowanda's Excellence in Youth Award</u></a>   |
| MILLS  | <a href="#"><u>Honoring Zachary John Wilson on Attaining the Rank of Eagle Scout</u></a>   |
| MILLS  | <a href="#"><u>Honoring the Lawtons Progressors 4-H Club on its 75th Anniversary</u></a>   |
| MILLS  | <a href="#"><u>Honoring Valley Pharmacy &amp; Medical Supplies as the Recipient of the 2017 Spirit of Gowanda Award</u></a>  |
| MORTON   | <a href="#"><u>Proclaiming the Month of April 2017 as "Donate Life Month" in Erie County</u></a>   |

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**LOCAL LAWS:**

**REFERENCE:**

|  |  |  |                      |
|--|--|--|----------------------|
| <a href="#"><u>LL INTRO. 10-1<br/>7/11/2016</u></a>  | LOUGHRAN &<br>HARDWICK                                 | Requiring a Minority Business Utilization and Women-Owned Business Utilization Commitment by Persons or Firms Contracting with the County of Erie Law  | Government Affairs   |
| <a href="#"><u>LL INTRO. 14-1<br/>8/29/2016</u></a>  | BURKE  | Pharmaceutical Water Pollution Act   | Energy & Environment |
| <a href="#"><u>LL INTRO. 17-1<br/>9/29/2016</u></a>  | LORIGO & LOUGHRAN                                      | A LL Repealing the Erie County Code of Ethics Established by Local Law Number Ten of Nineteen Hundred Eighty-Nine as Amended by Erie County Local Law Number Four of Nineteen Hundred Ninety-Four and Erie County Local Law Number Four of Two Thousand and Fifteen, and Establishing a New Erie County Code of Ethics | Government Affairs   |
| <a href="#"><u>LL INTRO. 18-1<br/>11/10/2016</u></a> | BURKE  | Erie County School Bus Safety Law  | Public Safety        |
| <a href="#"><u>LL INTRO. 19-1<br/>11/10/2016</u></a> | GRANT, SAVAGE,<br>LOUGHRAN, BURKE &<br>MILLER-WILLIAMS | A LL in Relation to Fair Housing in Erie County  | Economic Development |
| <a href="#"><u>LL INTRO. 1-1<br/>1/23/2017</u></a>   | BURKE  | Erie County Pharmaceutical Water Pollution Act   | Energy & Environment |
| <a href="#"><u>INTRO. 3-2<br/>2/28/2017</u></a>      | LORIGO   | A Local Law amending Local Law No.1-1959, Constituting the Erie County Charter, as Amended, in Relation to Adjustment of Job Qualifications for the Erie County Commissioner of Public Works   | Government Affairs   |
| <a href="#"><u>LL INTRO. 4-1<br/>2/27/2017</u></a>   | BURKE  | Preventing Underground Tattoo Parlors: A LL to Increase the Ability of Law Enforcement to Prevent Illegal Tattooing  | Government Affairs   |
| <a href="#"><u>LL INTRO. 5-1<br/>3/20/2017</u></a>   | BURKE  | Erie County Conversion Therapy Ban   | Government Affairs   |
| <a href="#"><u>LL INTRO. 6-1<br/>3/21/2017</u></a>   | LORIGO   | A LL Repealing the Erie County Code of Ethics Established by Local Law Number Ten of Nineteen Hundred Eighty-Nine as Amended by Erie County Local Law Number Four of Nineteen Hundred Ninety-Four and Erie County Local Law Number Four of Two Thousand and Fifteen, and Establishing a New Erie County Code of Ethics | Government Affairs   |

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| <a href="#">LL INTRO. 7-1<br/>3/23/2017</a>  | LOUGHRAN   | A Local Law amending Local Law No. 1-1959, Constituting the Erie County Charter, as Amended, in Relation to the Adjustment of Job Qualifications for the Erie County Commissioner of Public Works | Government Affairs      |
| <a href="#">LL INTRO. 8-1<br/>4/12/2017</a>  | BURKE  | Honeybee Protection Act   | Energy & Environment    |
| <a href="#">LL INTRO. 9-1<br/>4/21/2017</a>  | HARDWICK & SAVAGE  | A Local Law amending Local Law No. 1-1959, Constituting the Erie County Charter, as Amended, in Relation to the Adjustment of Job Qualifications for the Erie County Commissioner of Public Works | Government Affairs      |
| <a href="#">LL INTRO. 10-1<br/>4/25/2017</a> | MILLER-WILLIAMS, GRANT, SAVAGE, HARDWICK, LOUGHRAN, RATH, BURKE, MORTON, DIXON, LORIGO & MILLS | A Local Law in Relation to Increasing Accountability in Nursing Homes Otherwise Known as "Ruthie's Law"   | Health & Human Services |

**COMMITTEE REPORTS:**

|                              |                                   |
|------------------------------|-----------------------------------|
| <a href="#">REPORT NO. 7</a> | HEALTH & HUMAN SERVICES COMMITTEE |
| <a href="#">REPORT NO. 4</a> | GOVERNMENT AFFAIRS COMMITTEE      |
| <a href="#">REPORT NO. 6</a> | ECONOMIC DEVELOPMENT COMMITTEE    |
| <a href="#">REPORT NO. 5</a> | FINANCE & MANAGEMENT COMMITTEE    |
| <a href="#">REPORT NO. 6</a> | ENERGY & ENVIRONMENT COMMITTEE    |
| <a href="#">REPORT NO. 7</a> | PUBLIC SAFETY COMMITTEE           |

**LEGISLATOR RESOLUTIONS:**

**REFERENCE:**

|                            |                       |   |          |
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| <a href="#">INTRO. 8-1</a> | MILLS & MORTON        | Approval of the Eight-Year Review and Recertification and Consolidation of Agricultural Districts No. 6 (Sardinia), No. 11 (Holland) and No. 15 (Concord) | Approved |
| <a href="#">INTRO. 8-2</a> | MILLS                 | Appointments to the Erie County Citizens' Budget Review Commission  | Approved |
| <a href="#">INTRO. 8-3</a> | LOUGHRAN              | Minority Leader Recommendation for Reappointment to the Erie County Citizen's Budget Review Commission  | Approved |
| <a href="#">INTRO. 8-4</a> | MILLS                 | Transfer of Surplus Property to Hillcrest Volunteer Fire Company  | Approved |
| <a href="#">INTRO. 8-5</a> | LORIGO, MORTON & RATH | Requesting NYS Amend Ridesharing Start Date to July 1, 2017   | Approved |

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| <a href="#">INTRO. 8-6</a> | RATH & MORTON           | Opposition to the Imposition of Blanket Inclusionary Zoning Principals   | Economic Development |
| <a href="#">INTRO. 8-7</a> | MILLER-WILLIAMS & BURKE | Recording EC Legislature Sessions, Committee Meetings and Public Hearings via Contractor to Broadcast on the EC Website and Public Access Channels | Government Affairs   |
| <a href="#">INTRO. 8-8</a> | GRANT                   | Inappropriate and Undignified Appearance by Sheriff Tim Howard at Racially-Charged Rally in the Heart of Downtown Buffalo                          | Public Safety        |

**COMMUNICATIONS DISCHARGED FROM COMMITTEE:**

None.

**SUSPENSION OF THE RULES:**

**REFERENCE:**

|                             |                  |   |                         |
|-----------------------------|------------------|---|-------------------------|
| <a href="#">COMM. 8E-28</a> | COUNTY EXECUTIVE | NYSERDA Clean Energy Communities Program  | Economic Development    |
| <a href="#">COMM. 8E-29</a> | COUNTY EXECUTIVE | Department of Social Services Division of Family Independence - Summer Youth Employment Program                       | Health & Human Services |
| COMM. 8E-30                 | RATH             | Letter to Deputy Commissioner-Fire Safety Regarding Report of Inventory for Turnout Gear at the Fire Training Academy | Public Safety           |
| COMM. 8E-31                 | GRANT            | Letter of Absence from Legislative Session  | RFP                     |

**COMMUNICATIONS FROM ELECTED OFFICIALS:**

**REFERENCE:**

|                            |                  |  |                      |
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| <a href="#">COMM. 8E-1</a> | COUNTY EXECUTIVE | EC Sewer District No. 8 - Proposed Aurora Mills Patio Home Development - Approving Resolution  | Approved             |
| <a href="#">COMM. 8E-2</a> | COUNTY EXECUTIVE | Veto of LL Intro. 3-2 (2017)   | RFP                  |
| <a href="#">COMM. 8E-3</a> | COMPTROLLER      | Audited Financial Statements and Management Letter for ECC for Fiscal Year Ended Aug. 31, 2016   | Community Enrichment |
| <a href="#">COMM. 8E-4</a> | COUNTY EXECUTIVE | Federal-Aid Highway Local Project Supplemental Agreement with NYSDOT - Contract for Engineering Design Services for Safety Improvements - Genesee Rd, Route 240 and Sibley Rd Intersection - Town of Concord - PIN 5760.99 | Economic Development |

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| <a href="#">COMM. 8E-5</a>  | COUNTY EXECUTIVE | Federal-Aid Highway Local Project Agreement with NYSDOT - Pontiac Rd Bridge over Big Sister Creek Replacement - BIN 3327820 - Town of Evans - PIN 5761.77  | Economic Development |
| <a href="#">COMM. 8E-6</a>  | COUNTY EXECUTIVE | Federal-Aid Highway Local Project Agreement with NYSDOT - Cedar St Bridge Over Ledge Creek Replacement - BIN 3326580 - Town of Newstead - PIN 5761.78  | Economic Development |
| <a href="#">COMM. 8E-7</a>  | COUNTY EXECUTIVE | Federal-Aid Highway Local Project Supplemental Agreement with NYSDOT - Contract for Engineering Design Services for Safety Improvements - Colvin Blvd and Brighton Rd Intersection - Town of Tonawanda - PIN 5760.97                         | Economic Development |
| <a href="#">COMM. 8E-8</a>  | COUNTY EXECUTIVE | Federal-Aid Highway Local Project - Award Construction Contract, Contract for Design, Engineering, Services During Construction & Construction Inspection - Elmwood Ave Pedestrian & Bicycle Improvements - Village of Kenmore - PIN 5761.03 | Economic Development |
| <a href="#">COMM. 8E-9</a>  | COUNTY EXECUTIVE | Bridge NY Local Project Agreement with NYSDOT - Trevett Rd Bridge Over Eighteen Mile Creek Replacement - Town of Boston - PIN 5762.15  | Economic Development |
| <a href="#">COMM. 8E-10</a> | COUNTY EXECUTIVE | Bridge NY Project Agreement with NYSDOT - Quaker St Bridge Over Clear Creek Replacement - Town of Collins - PIN 5762.14  | Economic Development |
| <a href="#">COMM. 8E-11</a> | COUNTY EXECUTIVE | Bridge NY Project Agreement with NYSDOT - Amsdell Rd Culvert Replacement Over Drainage Structure - Town of Hamburg - PIN 5762.23   | Economic Development |
| <a href="#">COMM. 8E-12</a> | COUNTY EXECUTIVE | Bridge NY Project Agreement with NYSDOT - Warner Hill Rd Over Tributary Cazenovia Creek Culvert Replacement - Town of Wales - PIN 5762.22  | Economic Development |
| <a href="#">COMM. 8E-13</a> | COUNTY EXECUTIVE | 134 W Eagle St - Board of Elections - 2016 Fire Damage Repair and 3rd Floor Renovations  | Economic Development |
| <a href="#">COMM. 8E-14</a> | COUNTY EXECUTIVE | State Assistance Application and Contract Execution - Household Hazardous Waste Collection Program   | Energy & Environment |
| <a href="#">COMM. 8E-15</a> | COUNTY EXECUTIVE | EC Sewer District No. 6 - Flow Monitoring and Infiltration/Inflow (I/I) Quantification Project - Engineering Agreement   | Energy & Environment |

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| <a href="#">COMM. 8E-16</a>                        | COUNTY EXECUTIVE                | EC Sewer District No. 3 - Engineer Term Agreement - Work Order AECOM-2  | Energy & Environment     |
| <a href="#">COMM. 8E-17</a>                        | COUNTY EXECUTIVE                | Department of Parks - Proposed Agreement with India Association of Buffalo for Maintenance Aspects of a Cricket Field at Ellicott Creek Park                | Energy & Environment     |
| <a href="#">COMM. 8E-18</a>                        | COUNTY EXECUTIVE                | Home Rule Request - Extension of Additional 1% and .75% Sales tax   | Finance & Management     |
| <a href="#">COMM. 8E-19</a>                        | COUNTY EXECUTIVE                | 2017-2020 Revised Erie County Four Year Financial Plan  | Finance & Management     |
| <a href="#">COMM. 8E-20</a>                        | MILLS                           | Letter to County Executive Regarding Proposed Local Laws Concerning Adjustment of Job Qualifications for the Commissioner of the Department of Public Works | Government Affairs       |
| <a href="#">COMM. 8E-21</a>                        | COUNTY EXECUTIVE                | Department of Health Division of the Medical Examiner - Acceptance of Grant Award - NY-NJ High Intensity Drug Trafficking Area Toxicology Funding           | Health & Human Services  |
| <a href="#">COMM. 8E-22</a>                        | COUNTY EXECUTIVE                | Department of Health Division of the Medical Examiner - NYS Violent Death Registry Project  | Health & Human Services  |
| <a href="#">COMM. 8E-23</a>                        | COUNTY EXECUTIVE                | Department of Senior Services - Authorization to Contract with the Town of Elma for the Creation of a Congregate Dining Site                                | Health & Human Services  |
| <a href="#">COMM. 8E-24</a>                        | COUNTY EXECUTIVE                | Department of Senior Services - Technical Change to Comm. 20E-15 (2016): Age Friendly Inclusive Planning Grant Establishment                                | Health & Human Services  |
| <a href="#">COMM. 8E-25</a>                        | COUNTY EXECUTIVE                | Department of Homeland Security & Emergency Services - Swift Water Training - Evans Emergency Equipment Inc Service Contract                                | Public Safety            |
| <a href="#">COMM. 8E-26</a>                        | LOUGHRAN, GRANT, SAVAGE & BURKE | Letter to Chair Mills Regarding Sheriff Appearing at Political Events in Uniform  | Public Safety            |
| <a href="#">COMM. 8E-27</a>                        | MILLS                           | Appointment to the EC Fisheries Advisory Board  | Approved                 |
| <b><u>COMMUNICATIONS FROM THE DEPARTMENTS:</u></b> |                                 |   | <b><u>REFERENCE:</u></b> |
| <a href="#">COMM. 8D-1</a>                         | CLERK OF THE LEGISLATURE        | Notice Regarding County Executive's Veto of LL Intro. 3-2 (2017)  | R&F                      |

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| <a href="#">COMM. 8D-2</a> | CLERK OF THE LEGISLATURE             | NYS DEC Documents Received  | R&F                  |
| <a href="#">COMM. 8D-3</a> | DEPARTMENT OF ENVIRONMENT & PLANNING | EC Agricultural Districts - Eight-Year Review and District Consolidation Report - Districts No. 6 (Sardinia), No. 11 (Holland) and No. 15 (Concord) | R&F                  |
| <a href="#">COMM. 8D-4</a> | DEPARTMENT OF PUBLIC WORKS           | ECC STEM Building Status Report - Mar. 2017   | Community Enrichment |
| <a href="#">COMM. 8D-5</a> | DEPARTMENT OF LAW                    | Transmittal of New Claims Against Erie County   | Government Affairs   |

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**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:**

**REFERENCE:**

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|----------------------------|---|---|-------------------------|
| <a href="#">COMM. 8M-1</a> | BOARD OF HEALTH                               | May 9, 2017 Meeting Agenda  | R&F                     |
| <a href="#">COMM. 8M-2</a> | BUFFALO & EC PUBLIC LIBRARY                   | Apr. 20, 2017 Board of Trustees Agenda  | R&F                     |
| <a href="#">COMM. 8M-3</a> | NFTA  | Cash Flow Statements - Actual Cash Flow for Period 4/1/16-3/31/217 and Projected Cash Flow for Period 4/1/17-3/31/18  | R&F                     |
| <a href="#">COMM. 8M-4</a> | THE MENTHOLATUM COMPANY                       | Letter in Opposition to LL Intro. 1-1 (2017)  | Energy & Environment    |
| <a href="#">COMM. 8M-5</a> | EC TOWN CLERKS AND TAX COLLECTORS ASSOCIATION | Resolution Regarding Request for Amendment to EC Tax Act of 1942 to Give Relief from the Excessive Penalty Schedule to the Taxpayers in the Towns of the Second Class, and Make the Same Penalty Schedule and Due Dates for All Town and County Taxes | Finance & Management    |
| <a href="#">COMM. 8M-6</a> | JODI WEINERT                                  | Letter to Legislator Hardwick Regarding Opioid Epidemic   | Health & Human Services |

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**ANNOUNCEMENTS:**

**MEMORIAL RESOLUTIONS:**

**ADJOURNMENT:**